IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3729 OF 2005

WITH

WRIT PETITION NO.3730 OF 2005

Mr.Gustap Rashid Irani .. Petitioner

Vs.

Pune Municipal Corporation & Anr ..Respondents

Mr.R.S.Apte with Mr.A.A.Garge for the petitioner

Mr.R.G.Ketkar for respondent no.1

CORAM : S.U.KAMDAR, J
DATED : 19TH DECEMBER, 2005

P.C.:

1. Rule. Returnable forthwith.

2. Both the impugned orders i.e. the order passed by the Small Causes Court, Pune in Municipal Appeal No.1278 of 2003 fixing the rateable value @ 25/- paise per Sq.Ft. and the order passed by the Additional District Judge, Pune fixing the rateable value @ Rs. 50/- per Sq.Ft. are quashed and set aside.

3. Matter is remanded back to the Assessor and

Collector of taxes for hearing afresh and fixing of rateable value in accordance with law. The said fixation should be done on or before 31.1.06 after hearing the petitioner herein and thereafter by passing speaking order. The learned counsel for the petitioner gives an undertaking that in the meanwhile he will pay the rateable value to the corporation at Rs.25 per sq.ft and further undertakes to file written undertaking to this court within two weeks from today that he will pay additional claim if found due and payable on the basis of the amount determined by the Assessor and Collector of Taxes. In an event if the rateable value determined claimed is less than Rs.25 per sq.ft. Corporation will refund the same. Amount to be paid as per the orders passed by this court irrespective of the fact whether appeal against the same is filed or not. It is made clear that on remand, matters will be considered as if the order is passed by the Assessor and Collector of Taxes as on the date of earlier fixation of rateable value which was under challenge and in respect of which impugned orders are passed. Petition dispose of accordingly. No order as to costs.